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# **Being Compliant with the City's MBE/WBE Procurement Ordinance**

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# Compliance Determination

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City of Austin MBE/WBE compliance determined under City Code 2-9(A-D)-21(E).

Firms are compliant by:

- Meeting goals or
- Demonstrating Good Faith Efforts (GFE)



# Counting Participation

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Ensure the following:

- Firm is certified by the City of Austin
- Firms are certified for commodity codes on Compliance Plan



# Counting Participation

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Ensure the following:

- Goals are calculated using base bid only on construction projects

No. of Certified Vendors (Per Ethnicity) \* % of Scope  
Total Vendors

- Dollar amounts and/or percentages reflect bids/proposals received



# Counting Participation (cont.)

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- Prime certified firms may count their own participation
- Every level of subcontractor participation may be counted toward the goals
- Dually certified firms can be counted as either MBE or WBE but not both



# Requirement to Meet Goals

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- Bidders/Proposers must submit Compliance Plan with participation that meets or exceeds solicitation goals
- Goals are not a quota



# Minimum Requirements to Achieve Good Faith Efforts (GFE)

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Notify Certified Firms using two separate verifiable methods seven business days prior to bid date (fax, e-mail, mail or phone call)

- Notices should contain project requirements, addenda, contact information and due dates for responding



# **Minimum Requirements (cont.)**

- Follow up with interested MBE/WBE firms
- Negotiate in good faith with interested MBEs and WBEs
- Publish notice in a local publication (i.e. newspaper, trade association publication, or social/electronic media)





# **Minimum Requirements (cont.)**

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- Seek services of trade associations and other minority and women community organizations
- Contact SMBR for assistance
- Select portions of work that will increase MBE/WBE opportunities



# Good Faith Efforts Precautions

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- Self performance does not relieve the Bidder/Proposer of the responsibility to demonstrate GFE
- Bidders/Proposers should not disqualify MBE/WBE firms without sound reasons



# Good Faith Efforts Precautions

## (cont.)

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- Bid Shopping is prohibited
- SMBR may consider the performance of other bidders/proposers in meeting the goals



# Additional Requirements

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Assist MBE/WBE firms with:

- Bonding, lines of credit, and insurance
- Obtaining necessary equipment, supplies, materials, or related services



# Reminders

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- ✓ Review solicitation documents for project goals
- ✓ Verify MBE/WBE certifications
- ✓ Use the availability list and contact SMBR if additional scopes of work are identified
- ✓ Attach good faith effort documentation if goals are not met



# Resources

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- Bonding
- Plan Room
- Certification



# SMBR Offices

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